

Team Report Template, Sections 8, questions 8.01-8.55). In addition, the Council conducts follow-up quality assurance monitoring visits when an institution makes substantive changes to its programs, including its curriculum and generates a report by the site visit team (Exhibit 63, QAM Visit Report Templates). When a program at an institution falls short of standards regarding stated objectives, relevance to the major field of study, general education components, quantitatively or qualitatively approximating the curriculum of other collegiate institutions, or other factors, the institution receives a written report and is required to demonstrate that the finding has been addressed (Exhibit 64: Institutional Files-DuBois, pp. 328, 332-333, 346, 350).

Exhibit(s) Linked to this Criterion	
Exhibit Title	File Name
Exhibit 17 Institutional File-ACCT	Exhibit 17 Institutional File ACCT.pdf
Exhibit 59 Non-Sub Change Applications	Exhibit 59 Non-Sub Change Applications.pdf
Exhibit 62 Team Report Templates	Exhibit 62 Team Report Templates.pdf
Exhibit 63 QAM Visit Report Templates	Exhibit 63 QAM Visit Report Templates.pdf
Exhibit 22 Institutional File-CENSA	Exhibit 22 Institutional File CENSA.pdf
Exhibit 64 Institutional File DuBois	Exhibit 64 Institutional File DuBois.pdf
Exhibit 61 Self-Study Guidelines and Procedures	Exhibit 61 Self Study Procedures and Guidelines.pdf
Exhibit 60 Substantive Applications and Approval Letters	Exhibit 60 Substantive Change Applications and Approval Letters.pdf
Exhibit 1 Accreditation Criteria	Exhibit 1 Accreditation Criteria.pdf

Criteria: 602.16(a)(1)(iii) Faculty

Response:

ACICS requirements for faculty as an element of institutional quality reflect the unique mission and purpose of the programs offered, which emphasize professional, technical, and occupational competencies designed to lead to employment. Faculty is engaged in delivering curricula that fulfill the unique mission and purpose of their programs. Faculty members are expected to hold appropriate educational backgrounds and professional experiences, and to participate in curriculum development and revision and professional development activities.

General requirements for all institutions regarding faculty include their participation in the self-evaluation process (Exhibit 1, Title II, Chapter 1, Section 2-1-204, p. 18) and the on-site review by the accreditation team (Ibid., Section 2-1-205, p. 18). In addition, all institutions are expected to demonstrate they have “appropriate faculty” to implement its mission (Ibid., Title III, Chapter 1, Section 3-1-102, p. 45), be organized in a manner that promotes “understanding, cooperation, and responsibility” among faculty and staff (Ibid., Section 3-1-200, p. 45), and that faculty understand and acknowledge their obligations, the standards by which their work will be evaluated, and the documentation of that evaluation (Ibid., Section 3-1-202(b), pp. 46-47).

Based on documented qualifications, faculty is assigned to teach subjects and demonstrate knowledge in specific fields of study sufficient to provide effective instruction. ACICS requires that

faculty “be academically and experientially appropriate to the subject matter they teach”; “competent to teach the subject matter being offered”; and have “reasonable latitude in their choice of teaching methods (Ibid., Section 3-1-541, pp. 56-57).” In addition, institutions are required to establish and maintain documented evidence of faculty development plans and achievements, including in-service and professional growth activities, which is updated annually (Ibid., Section 3-1-543, p. 57).

In addition to general standards for faculty that is applied to all institutions, the Accreditation Criteria addresses teaching load, preparation, subject preparation, assignments, stability, and student/teacher ratio for each credential level awarded. Faculty standards specific to non-degree programs are prescribed in Title III, Chapter 2, Section 3-2-100 p. 60; to occupational associate’s degree programs in Chapter 3, Section 3-3-300, p. 63; to academic associate’s degree programs in Title III, Chapter 4, Section 3-4-300, p. 67; to bachelor’s degree programs of study in Title III, Chapter 5, Section 3-5-300 p. 71; and to master’s degree programs of study in Title III, Chapter 6, Section 3-6-500, p. 75 (Exhibit 1). These criteria are different depending on the credential level; for example, the academic associate’s degree and bachelor’s degree level have specific requirements for the qualifications of faculty teaching general education courses, which differ from nondegree, occupational associate’s degree, and master’s degree levels which have different or no requirements for general education courses (Ibid., Section 3-4-302, p. 67; Section 3-5-302, p. 71).

For institutions offering distance education courses or programs, the requirements for faculty qualifications and involvement in the curriculum are the same as residential courses and programs. There is an additional requirement, though, that faculty must be properly trained to utilize the institution’s learning management system for purposes of instruction, communication, and assessment (Ibid., Appendix H, Section II, page 126).

To renew accreditation, every campus must submit an application that includes a faculty/staff summary sheet. The self-study report narrative includes an explanation of faculty involvement and contributions to the implementation of the institution’s mission, and academic governance; how the institution ensures that faculty are qualified and meet the Accreditation standard; how the institution ensures that faculty clearly understand their duties and responsibilities; how faculty are monitored and evaluated; and how the administration provides academic freedom for faculty (Exhibit 99, Institutional File-AUHS, pp. 1-106, 107-114).

During each on-site evaluation visit, the evaluation team reviews required documentation of faculty qualifications and experience. The team interviews staff, students, and faculty to evaluate the institution’s compliance with the faculty information described in the self-study report. The findings of the team are outlined in the team report template. Section 8 of the report focuses on compliance with faculty standards for each program offered by the institution as evaluated by discipline-specific specialists. Report questions in Section 8 correspond to specific standards regarding faculty credentials, training, evaluation, and development. When a program at an institution falls short of standards regarding faculty requirements, the institution receives a written report and is required to demonstrate that the finding has been remedied (Exhibit 99, Institutional File-AUHS, pp. 144, 166, 179-204).

Exhibit(s) Linked to this Criterion	
Exhibit Title	File Name
Exhibit 99 Institutional File - AUHS	Exhibit 99 Institutional File - AUHS.pdf
Exhibit 1 Accreditation Criteria	Exhibit 1 Accreditation Criteria.pdf

Criteria: 602.16(a)(1)(iv) Facilities/Equipment/Supplies

Response:

Facilities, equipment, and supplies that support an ACICS member institution in providing programs designed to educate students in professional, technical, or occupational fields are required to meet specific standards and expectations. The Council prescribes the requirements for facilities, equipment, supplies, and other instructional resources in the context of career education that leads to employment. Specifically, ACICS requires institutions to provide an environment “that is conducive to good instruction and learning” and “supports the educational programs offered by the institution” (Exhibit 1, Section 3-1-600, p. 57). ACICS evaluates the adequacy of the educational environment “against the demands made upon it by the curricula, faculty, and students” See id.

Regarding the quality of support for the program of instruction, Council expects “facilities, instructional equipment, resources, support for modes of instructional delivery, and personnel” to be appropriate to the program (Exhibit 1, Accreditation Criteria, Title III, Chapter 1, Section 3-1-531, pp. 53-54).

Regarding the capacity to support the program of instruction, ACICS requires “that the quantity and type of instructional material and equipment is proportionate to the size of the institution and the nature of the program” (Ibid). The Accreditation Criteria has specific requirements in subsections regarding plant and equipment, including requirements that address general tests of safety, usefulness, cleanliness, maintenance, health, lighting, and compliance with local or state laws and health- and safety-code requirements (Ibid., Section 3-1-600, p. 57). On-site evaluation teams verify that the institution presents satisfactory current fire and safety permits issued by the local government.

Regarding instructional resources, the Council prescribes requirements for instructional resources, audiovisual teaching equipment, and instructional materials, including library resources. A general standard prescribes budget allocations and expenditures for instructional resources, equipment, and materials (Ibid., Section 3-2-200, p. 61). The required level and quality of facilities, supplies, materials, and equipment are prescribed in greater detail within the separate sections dedicated to each credential level (Ibid., Section 3-3-402, p. 64; Section 3-4-402, p. 68; Section 3-5-402, p. 72; Section 3-6-702, p. 76). In addition, qualifications of library staff are prescribed under separate sections for each credential level.

Institutional facilities are reviewed during onsite initial and renewal of accreditation visits. In addition to reviewing documentation of compliance with local and/or state laws governing the physical facilities with respect to fire, safety, and sanitation, the visiting team chair and program specialists also evaluate the facilities with regard to the distribution and appropriateness of the

internal and external space. (Exhibit 99, Institutional File-AUHS, Introduction, pp. 119-120; Exhibit 18, Institutional File-Branford Hall, Introduction, p. 125). Institutions are required to document plans to maintain and upgrade facilities, equipment, and supplies, in the Self-Study. (Exhibit 99, Institutional File-AUHS, Self-Study, pp. 1-106; Exhibit 18, Institutional File-Branford Hall, Self-Study, pp. 22-86). ACICS tests the institution's compliance with these requirements through specific sections of the self-evaluation, during the comprehensive review process, and in reviewing complaints and negative external information received in between comprehensive reviews. Failure to demonstrate compliance with ACICS standards regarding support of its instructional programs through its facilities, equipment, or supplies will result in a finding that must be addressed by institution in a timely manner (Exhibit 99, Institutional File-AUHS, Team Report, pp. 128, 146, 166, School Response, pp. 170-175; Exhibit 18, Institutional File-Branford Hall, Team Report, pp. 175, 185, School Response, pp. 220-235).

Institutions offering distance education programs are required to provide an accessible and reliable learning management system and adequate technical support. All support and instructional services must be equivalent in quality and scope to those provided to students enrolled in on ground, campus-based programs (Exhibit 17, Institutional File-ACCT, Distance Education, pp. 470-471). The Campus Effectiveness Plan must include the institution's plans for the location of adequate resources to serve current and future enrollment of distance education students to assure compliance with student achievement standards and student learning outcomes (Exhibit 1, Appendix H, Section II, Institutional Readiness, pp. 124-125).

Exhibit(s) Linked to this Criterion	
Exhibit Title	File Name
Exhibit 18 Institutional File-Branford Hall Branford	Exhibit 18 Institutional File Branford Hall - Branford.pdf
Exhibit 17 Institutional File-ACCT	Exhibit 17 Institutional File ACCT.pdf
Exhibit 99 Institutional File - AUHS	Exhibit 99 Institutional File - AUHS.pdf
Exhibit 1 Accreditation Criteria	Exhibit 1 Accreditation Criteria.pdf

Criteria: 602.16(a)(1)(v) Fiscal/Administrative Capacity

Response:

ACICS standards address the quality of the institution or its programs by assessing fiscal and administrative capacity, as appropriate to the institution's specified scale of operations. Specifically, ACICS standards require institutions to demonstrate financial stability and adequate administrative capability to operate effectively (Exhibit 1, Sections 3-1-200, 3-1-202, 3-1-204, and 3-1-300, pp. 46-47).

ACICS reviews financial stability and administrative capacity annually and on an ad hoc basis throughout the accreditation process, including findings identified through the new At-Risk Institutions Group (ARIG). See Section §602.19(b) for further discussion of the ARIG monitoring process. For example, ACICS reviews the current and future budgets of institutions to ensure they are sufficient to accomplish the institution's/program's mission and goals. ACICS reviews the Annual Financial Report (AFR), audited financial statements, and other relevant information to

monitor each institution's financial condition. All institutions must submit an AFR (Exhibit 1, Sections 2-1-802 and 2-1-803, p.21). The AFR requires the institution to upload a balance sheet and income statement for each campus. These reports, along with the annual audited financial statements, are reviewed by a staff member in conferral with the Council's Financial Review Committee (FRC). Staff/FRC verifies the accuracy of the report by comparing it to the audited financial statements and applies a scoring rubric for assessing financial stability; reviews the notes to the audited financial statements related to any legal issues or contingencies, failure to meet lender requirements, compliance with the Department's financial responsibility standards; and reports to the Council on these matters (Exhibit 6, Policies and Procedures Manual, Chapter 25; Exhibit 100, FRC Minutes).

Further monitoring in this area includes receipt and review of Title IV compliance audits, information received about the Department placing an institution on HCM1/2 status, high cohort default rates (CDR), and failure to pass 90/10. Actions taken include the request for an Institutional Teach-out Plan or on-site review (Exhibit 101, Request for Teach-Out Plans; Exhibit 102, AMEDCO Unannounced Visit). Based on the numeric values derived from the scoring rubric, a review of the notes, and other considerations, the Council has required institutions to submit a quarterly financial report (QFR), a financial improvement plan (FIP), or both. If the Council requires the institution to submit a QFR or FIP, the institution is notified of the deficiencies, the specific concerns related to the financial criteria, the required remedies, and time frames (Exhibit 103, Council Actions for QFR & FIP). Thereafter, an institution may be required to submit additional financial reports; may be issued a compliance warning, show-cause or other negative action; or may be required to host a special or unannounced visit (Exhibit 104, Financial Show-Cause Actions; Exhibit 105, Herguan Institutional File). If an institution does not meet the agency's financial stability requirements, the institution will be subject to specific requirements, and time frames to come into compliance. Institutions that are not able to demonstrate compliance within the time frames are subject to withdrawal of accreditation.

The Council requires an institution exhibiting a weak financial position such that it calls into question the viability of its continued operation to submit an Institutional Teach-out Plan to ensure an orderly teach-out for its current enrollees (Exhibit 1, Section 2-2-303, pp. 28-29). When a closing institution fails to provide for students in an appropriate manner, members of its executive team and governance body are subject to debarment (Exhibit 1, Section 2-3-900, p.44). Since August 2016, ACICS has debarred seven administrators and/or owners for failing to fulfil their obligations to students and the public (Exhibit 106, Sample Debarment Action Letters). Careful routine monitoring of student achievement rates (described above), along with any financial concerns stemming from financial aid audits are now required to be submitted with the institutions' AFR and are considered at-risk factors that may require follow up or Council action through the ARIG process.

ACICS, through the ARIG, also responds to negative information submitted through complaints, information shared by ED, state agencies or other accreditors or gleaned through media reports. Upon the ARIG's recommendation, the Council can take an investigative action outside the normal review cycle, including the deployment of special teams for unannounced visits. For example, ACICS conducted unannounced visits to MedTech College and Radians College in August 2016 after receiving notice of the U.S. Department of Education's decision to deny certification of

another non-ACICS institution under the same ownership because of misrepresentation of placement data (Exhibit 107, MedTech/Radians Adverse). Similarly, ACICS has conducted unannounced visit to Herguan University, AMEDCO, as previously referenced, and SOLEX (Exhibit 10, Denial of Renewal Application-Ineligible, p.54).

In tandem with the annual monitoring of financial stability and fiscal responsibility, ACICS, through the onsite evaluation review evaluates the integrity and capability of the administration (Exhibit 1, Section 3-1-202, p.46). The Council expects that the leadership to place an emphasis on efficiency and effectiveness of the overall administration, as evidenced in the quality of educational resources, management of personnel, integrity of both faculty and staff, and the adoption of appropriate procedures to ensure organizational success. Serious concerns with these critical components of administrative oversight result in findings and subsequent action by the Council (Exhibit 64, Institutional File-DuBois, pp. 300, 351, 352,354; Exhibit 17, Institutional File-ACCT, pp. 224, 283).

Relevant ACICS History

The 2016 Department Staff Report to the Senior Department Official stated that ACICS needed to fully implement its plans to more consistently review and identify at-risk institutions. In addition, the Department stated that ACICS needs to develop and implement its strengthened expectations for visiting teams to more consistently uncover institutional fiscal and administrative problems while on-site (Exhibit 42, p. 2).

ACICS, through more rigorous enforcement of its existing standards and establishment of the ARIG, has considerably strengthened its oversight of accredited institution's fiscal and administrative operations as evidenced in its application of standards to accredited institutions and enforcement action where necessary. A significant aspect of the Department's critique of ACICS standards relative to this criterion were focused on lack of evidence of enforcement of its new ARIG and related standards. As evidenced above, ACICS has significantly strengthened its oversight of the financial and administrative aspects of institutional operations as evidenced by the actions it has taken over the past two years. ACICS has also strengthened its monitoring of student achievement metrics, retention, placement, graduation and licensing, through its Data Integrity Review and Placement Verification Program discussed in Section §602.16(a)(1)(i) of this petition, including DIR training and taking action where warranted.

Exhibit(s) Linked to this Criterion

Exhibit Title	File Name
Exhibit 42 2016 Department Staff Report	Exhibit 42 2016 Department Staff Report.PDF
Exhibit 17 Institutional File-ACCT	Exhibit 17 Institutional File ACCT.pdf
Exhibit 101 Request for Teach-Out Plans	Exhibit 101 Request for Teach Out Plans.pdf
Exhibit 102 AMEDCO Unannounced Visit	Exhibit 102 AMEDCO Unannounced Visit.pdf
Exhibit 103 Council Action Letters for QFR and FIP	Exhibit 103 Council Action Letters for QFR and FIP.pdf
Exhibit 104 Financial Show-Cause Actions	Exhibit 104 Financial Show-Cause Actions.pdf
Exhibit 105 Herguan Institutional File	Exhibit 105 Herguan Institutional File.pdf

Exhibit 106 Sample Debarment Action Letters	Exhibit 106 Sample Debarment Action Letters.pdf
Exhibit 64 Institutional File DuBois	Exhibit 64 Institutional File DuBois.pdf
Exhibit 107 MedTech_Radians Adverse	Exhibit 107 MedTech_Radians Adverse.pdf
Exhibit 10 Denial of Renewal Application - Ineligibility SOLEX	Exhibit 10 Denial of Renewal Application-Ineligibility SOLEX.pdf
Exhibit 100 FRC Meeting Minutes	Exhibit 100 FRC Meeting Minutes.pdf
Exhibit 6 Policies and Prodedures Manual	Exhibit 6 Policies and Procedures Manual.pdf
Exhibit 1 Accreditation Criteria	Exhibit 1 Accreditation Criteria.pdf

Criteria: 602.16(a)(1)(vi) Student Support Services

Response:

As reflected in the ACICS value statement, "ACICS is committed to the importance of a quality educational experience for all students" (Exhibit 108, "About Us" Screenshot). Regardless of any unique demographics or economic characteristics, continuous awareness of the education experience of all students is a priority for the Council. The standards for academic advising and support systems are designed to encourage academic success.

Students who enroll in programs designed to prepare them for employment in professional, technical, and occupational fields have unique needs and expectations. ACICS expects that support services provided by member institutions directly address the targeted career outcomes, unique economic circumstances, and demographics of their students compared to students participating in more traditional higher education programs. Students attending ACICS institutions are more likely to lack family financial support, have children at home, work full-time, and have a household income that places them at or below the federal poverty level.

The Council expects that student support services reflect "the highest ethical standard" and "conform to all applicable laws and regulations." The program of student support services provided by each institution must be consistent with its stated mission, including services provided to students attending branch campuses, learning sites, and enrolled in distance education courses and programs (Exhibit 1, Section 3-1-400, p. 48).

At a minimum, ACICS institutions are required to have one experienced person on staff to counsel students on personal or academic problems and job placement opportunities. Institutions are expected to have orientation activities to assist new students in adapting to the institution. In addition, ACICS expects the institution to have a system of educational, occupational, and personal advising; an emphasis on student success through retention activities and program completion; and documented employment assistance. Retention and completion are emphasized in these standards in terms of the students' "academic and socioeconomic characteristics." Further, ACICS requires institutions to document the counseling they provide students regarding student loans (*Ibid.*, Section 3-1-441, p. 52).

Another area of student services required by ACICS is the administration of financial aid. The Council acknowledges that participation in state and federal student financial aid programs

requires “serious responsibility,” and expects all institutions participating in federal or state student financial aid programs to be knowledgeable of and in compliance with applicable laws and regulations. ACICS requires institutions to have at least one professionally qualified administrative staff person and an appropriate set of financial controls (Ibid., Section 3-1-434, pp. 51-52). A thorough review of the administration of financial is conducted during all on-site visits, including special visits. If the on-site team finds concerns with any aspects of the administration of financial aid, the institution is required, at a minimum, to respond to the finding, and any subsequent requests or actions as directed by Council (Exhibit 109, Institutional File-NWSC, pp. 125-168). In addition, ACICS has specific requirements related to satisfactory academic progress and as part of this process, ACICS requires that the institution “[encourage] and assists students who are experiencing difficulty in progressing satisfactorily in their programs” (Exhibit 1, Section 3-1-423, p. 50).

ACICS considers access to an effective grievance process integral to quality in student services. Institutions must establish, publish, and implement policies and procedures for considering complaints received from students (Ibid., Section 3-1-202(d), p. 47). The grievance procedures must include publication of information regarding contacting ACICS.

Careful recordkeeping is crucial to verifying the effective implementation of student support services. ACICS requires that all such records be available at each institutional site during evaluation visits. Council standards for recordkeeping include the requirement that all basic records and reports pertaining to students shall be safely protected from theft, fire, water damage, or other possible loss (Ibid., Section 3-1-303(a)(f)(g), pp. 47-48). Additional information regarding the maintenance and protection of online student academic records and personally identifiable information is addressed in Section §602.17(g) of this petition.

The opportunities for ACICS to evaluate the quality and sufficiency of student services include review of the self-evaluation narrative (Exhibit 61, Self Study Procedures and Guidelines, Questions 4.7-4.20, pp. 18-21), observations, interviews, and documents reviewed during site visits (Exhibit 62, Team Report Template, Questions 5.39).

In addition, prior to an on-site evaluation students and staff are requested to complete a call for comment form to provide any information about the institution and during the on-site evaluation visit, students are requested to complete an online survey that indicates their level of satisfaction with a variety of factors, including several that directly impact the quality of student services (Exhibit 21, Institutional File-WVBC, pp. 211-216, 425-426; Exhibit 64, Institutional File-Dubois, pp. 280-286, 416).

Based on information derived from on-site visits, the review of adverse information or complaints, and annual CAR, if Council determines that the institution is not providing sufficient or appropriate student support services, it will require the institution to demonstrate compliance with this standard in a reasonable timeframe (Exhibit 109, Institutional File-NWSC, p. 15-16, 24; Exhibit 17, Institutional File-ACCT, pp. 445, 473).

Exhibit(s) Linked to this Criterion

Exhibit Title	File Name
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Exhibit 17 Institutional File-ACCT	Exhibit 17 Institutional File ACCT.pdf
Exhibit 62 Team Report Templates	Exhibit 62 Team Report Templates.pdf
Exhibit 108 About Us Screenshot	Exhibit 108 About Us Screenshot.pdf
Exhibit 21 Institutional File-WVBC	Exhibit 21 Institutional File WVBC.pdf
Exhibit 64 Institutional File DuBois	Exhibit 64 Institutional File DuBois.pdf
Exhibit 61 Self-Study Guidelines and Procedures	Exhibit 61 Self Study Procedures and Guidelines.pdf
Exhibit 109 Institutional File-NWSC	Exhibit 109 Institutional File-NWSC.pdf
Exhibit 1 Accreditation Criteria	Exhibit 1 Accreditation Criteria.pdf

Criteria: 602.16(a)(1)(vii) Recruiting & Other Practices

Response:

The ACICS Standards for recruitment, advertisement, admissions and grading begin with the Accreditation Criteria on Integrity which states: “The integrity and capability of an institution is manifested by the professional competence, experience, personal responsibility and ethical practices demonstrated by all individuals comprising the ownership, control or management” (Exhibit 1, Section 3-1-202, p.46). This criterion requires institutions to assume full responsibility for the actions, statements and conduct of its representatives and further delineates responsibilities for careful selection training, supervision and evaluation. See Id. Specific criteria on admissions and recruitment are set forth in Sections 3-1-410, 3-1-411, and 3-1-412 of the Accreditation Criteria. (Ibid., pp. 49-50). The criteria require that the admissions policy conforms to the institution’s mission, is publicly stated, and administered as written. Recruiting must be ethical and compatible with the educational objectives of the institution. Disclosures to students describing the program, financial obligations, applicable policies and procedures, and program and institution level performance data must be accurate, not exaggerated or misleading. The institution is required to maintain documentation that it systematically monitors its recruitment activities (Exhibit 23, Systematic Review of Criteria, p. 90). Compliance with these expectations is evaluated by ACICS during the onsite review and results in a finding if not appropriate or adequate. (Exhibit 64, Institutional File-DuBois, pp. 320-323). These areas are also evaluated during special visits to ensure an ongoing monitoring of activities (Exhibit 109, Institutional File-NWSC, pp. 9-10).

ACICS continually assesses the recruiting process. During the re-accreditation process, ACICS has a program to seek out further information from students, faculty and staff prior to the evaluation visit through a “Call for Comment” process (Exhibit 21, Institutional File-WVBC, pp. 211-216; Exhibit 64, Institutional File-DuBois, pp. 280-286). This complements the general call for comment by ACICS when initial applicants and those seeking renewal of accreditation are publicly posted at www.acics.org, and informs the accreditation process. Onsite teams are trained to monitor admissions personnel and activities including listening in on recorded or live calls, reviewing text/instant messages and reviewing training manuals and scripts (Exhibit 69, Visit Evaluation Procedures and Guidelines, p. 23). Further, when ACICS receives information in any form about an institution that may be violating ACICS Criteria in this regard, the facts are reviewed by the At-Risk Institution Group, which has authority to conduct mid-cycle reviews of institutions

through unannounced visits, limited-announced visits, or heightened monitoring requiring a specific response from the institution to be reviewed by the Council (Exhibit 110, Summary of ARIG Investigations). The Council also utilizes secret shopper services, as deemed appropriate, to investigate aggressive recruiting tactics (Exhibit 25, SIBA Secret Shopper Review).

ACICS Accreditation Criteria also require institutions to include within their catalogs specific information related to transparency in the admissions process including transfer of credit policies, accreditation status – institutional and programmatic, calendar, definition of credit, cost, scholarships and other information (Exhibit 1, Section 3-1-303(e), p. 48; Appendix C, pp. 109-112; Exhibit 62, Team Report Template, Section 6, pp. 35-42). With respect to grading, the Accreditation Criteria require institutions to publish and follow a clear and explained grading system as published in a catalog (Exhibit 1, Appendix C, pp. 109-10). The Criteria also require disclosure in catalogs of all requirements for certification, licensing, or registration in the program career field, as appropriate; and (f) any additional or special requirements for completion (such as practica or externships). (Ibid., p. 110).

Relevant ACICS History

In the 2016 Department Staff Report to the Senior Department Official (“Staff Report”), Exhibit 42, p. 2, the Department stated that ACICS needed to “fully implement its new and strengthened initiatives regarding misrepresentations to prospective students and abusive recruiting and regularly verify that each institution’s recruitment process is complying with the new ACICS requirements.” The Report recognized evidence ACICS presented about ongoing visiting team evaluation of compliance with these criteria and evidence of sanctions imposed by ACICS based on deficiencies in these categories. See id. pp. 14. However, the Department concluded that the agency’s process for implementing its standards in this area were not sufficiently effective, citing a significant number of state attorneys general settlements against ACICS accredited institutions in the past based on alleged violations of state misrepresentation law. The Department stated that “a comprehensive and workable plan for remedying this deficiency in the agency’s accreditation process is required, as well as any changes it has made already to ensure compliance with this section.”

In response, as detailed above, ACICS has strengthened its standards that apply to recruiting practices by requiring each institution maintain documentation that it systematically monitors its recruitment activities and testing compliance with these expectations during the onsite reviews that have resulted in findings under these standards. Further, ACICS has established the Call for Comment process prior to visits to solicit information about school practices and an At-Risk Institutions Group to strengthen its monitoring and investigation of at-risk institutions, including based on information from states, the Department or other sources regarding investigations, complaints or other adverse action against the institution. As discussed in Section §602.16(a)(1)(ix) and 602.16(a)(1)(x) of this petition, ACICS has also initiated more robust tracking and response to complaints as well as enhanced reporting to the Department regarding Title IV related compliance issues. ACICS also provides evidence of effective implementation of these standards over the last two years.

Exhibit(s) Linked to this Criterion